

**Notice of Allowability****Application No.**

10/693,955

**Applicant(s)**

LAURIE ET AL.

**Examiner**

Olga V. Tcherkasskaya

**Art Unit**

1615

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to arguments/remarks filed on 02/17/2012.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1,3,4,8,10-15 and 17-20.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_.
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 03/05/2012.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Olga V. Tcherkasskaya/  
Examiner, Art Unit 1615

## **DETAILED ACTION**

### **Status of the Application**

Receipt of the Response after Non-Final Office Action and Applicant's Arguments/Remarks, all filed 02/17/2012 is acknowledged.

Applicant has overcome the following rejection(s) by persuasive remarks:

(1) The 35 U.S.C. § 103(a) rejection of Claims 11, 12, 14 and 17-20 over Howard US 4,335,116 and Baran et al. J. Braz. Chem. Soc. (2002) 13(5):576-582 has been withdrawn;

(2) Nonstatutory obviousness-type double patenting rejection over US 6,638,539 has been withdrawn;

(3) Nonstatutory obviousness-type double patenting rejection over US 7,285,292 has been withdrawn.

Claims 1-20 are pending in this action. Claims 1, 3, 4, 8, 10, 13, 15 were allowed previously. Claims 2, 5-7, 9 and 16 were cancelled previously. Claims 11, 12, 14 and 17-20 are currently under consideration.

### **Reasons for Allowance**

The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest the claimed invention as method for preparing stable mineral containing therapeutic injectable solutions with the claimed components (i.e., zinc,

manganese, selenium, chromium and copper) in claimed amounts that are stabilized by EDTA-complexes and can be preparation in a single continuous process.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Claims 1, 3, 4, 8, 10-15 and 17-20 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga V. Tcherkasskaya whose telephone number is (571)270-3672. The examiner can normally be reached on 8am - 5 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax can be reached on (571)272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olga V. Tcherkasskaya/  
Examiner, Art Unit 1615

/Robert A. Wax/  
Supervisory Patent Examiner  
Art Unit 1615